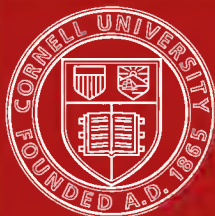


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HISTORICAL SKETCH
OF THE
Hillsborough County Congresses,
HELD AT
AMHERST, (N. H.)
1774 & 1775:

WITH OTHER
REVOLUTIONARY RECORDS.

COMPILED BY
EDWARD D. BOYLSTON.



AMHERST, N. H.
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"To guard effectually against the gathering storm, a UNION OF THE COLONIES was thought absolutely necessary; and recourse was had to the same measure which had formerly been tried in cases of common danger, to hold a CONGRESS of delegates from each colony.

"The enemies of America have uniformly censured this measure as unprecedented, illegal and dangerous. That it was dangerous to the designs of the British administration, is admitted; but for that reason to us it was the means of safety. Though it was not supported by any written law, yet it was evidently founded on self-preservation, the first law of nature. But that it was unprecedented, is a very great mistake. From the middle of the preceding century, the united colonies of New-England held annual, or semi-annual meetings of commissioners, on their common concerns, for above forty years. From the reign of Queen Anne to that of George the the Second, governors, and delegates from councils and assemblies, occasionally met in central places, to hold conferences relative to the operations of war, or treaties with the Indians. These meetings, usually called by the name of Congresses, though unknown, or disregarded in Britain, were familiar to the people of America; and what could be a more natural or obvious step, in a time of common danger, than to assemble by deputies, and confer on the means of of safety? Precedents were numerous, that governors and delegates had held these assemblies, when their interests were united; what then should hinder the people from following the example, when their interest required them to meet, without their governors, who were endeavoring to maintain a separate interest?"— BELKNAP'S HIST. N. H., Vol. 2, pp. 284 and 285.



[The following monograph was read, by invitation, before the New-England Historical and Genealogical Society, Boston, October 9, 1872, Hon. Marshall P. Wilder, President, in the chair. By open vote, a copy was requested for publication, which (with intent of private publication, with additions, as in its present form,) was respectfully declined.]

HONORED PRESIDENT, AND MEMBERS OF THIS SOCIETY:

Multiform are the definitions of history as the tastes and wants of writers. It may well suit my purpose to speak of it as a twisted cable, uniting the past and present. Strands in this cable, by the strain of time upon it, have been broken, the re-uniting of which is the noble work of your Society—in which allow me, sir, to bid you God-speed ; and to show my sincerity, by a helping hand, in bringing before you as complete a sketch as at the present time can be made, and much more perfect than before has been made, of THE HILLSBOROUGH COUNTY CONGRESSES, held at Amherst, (N. H.) in 1774 and 1775.

No era in our national history can surpass in interest that in which, as Bancroft aptly says, “the people were rushing toward revolution, and yet, knew it not.” But, for such a crisis, they were not unprepared or, as the sequel proved, unequal. Well-schooled in equality and in law, they became a law unto themselves when other law became a nullity; and, mid scenes and trials that would

have led a less principled and determined people to desperation, they remained cool and unimpassioned, and calmly considered, in primary assemblies, the duties they owed to God, to the King and to themselves.

With what an added interest does the lapse of a hundred years invest the records of those Revolutionary days ! With what new interest clothe the noble labors and sacrifices of that generation, now yielding to us, their descendants, such a precious fruitage ! How challenge and compel fresh tokens of our warmest gratitude and most profound admiration ! It is under such an inspiration my privilege to bring to light, and here, for the first time to make public, some more than Rip Van Winkle records, drawn from the secrecy of nigh a hundred years, and long deemed lost beyond recovery ;—records which Farmer, Bell and Potter so “desired to see, yet died without the sight” :—records, the loss of which has occasioned much regret, and the want of which, much vain conjecture and not a little misapprehension, as to the objects and actions of those primary assemblies, various allusions to which, at the dates of their occurrence, are found upon the records of many of the towns then composing Hillsborough County, in the form of choice of delegates to County Congresses. No newspaper had then been published in the County, and, considering that the incipient foot-prints of Revolutions are oftener covered than revealed, and seldom recorded by those who make them, it is no little cause of surprise and hearty gratification, that these have been snatched from oblivion, and re-produced a century away. The old wine poured for you to-day, is from the “original packages,” (proof of age and truth,) in the hand-writing of the actors themselves, and mostly in that of DANIEL CAMPBELL, Esq., whose memory is yet fragrant, and whose tombstone bears the record of an honored Centenarian. Mr. Campbell was a man of great executive ability ; a Surveyor

and Coroner under the King ; of extensive acquaintance and influence throughout the County, and, therefore, selected as one of the Central Committee. To his careful habit of preserving records, we are indebted for these papers, as, also, to the courtesy of his grandson, the HON. CHARLES H. CAMPBELL, President of the N. H. Senate, (at my side,) who kindly placed at my service, in the preparation of a manuscript history of our native town, a box of miscellaneous papers, in which these records were found, carefully filed among some venerable but then worthless deeds. Their discovery was a pleasure of a life-time, their presentation here—if so be that they shall re-unite a broken strand in the Revolutionary history of two sister Provinces—a high privilege, for which your Committee will please accept my thanks.

A brief allusion to the position of affairs in these Provinces at the time covered by these ancient records, may add a zest to the cup poured.

The arbitrary measures of the Crown had awakened throughout the Colonies resentment and determination of resistance, of which such records are the first fruits. The intense opposition to the unjust and oppressive Stamp Act, which already had compelled its abrogation, and the embargo placed at Portsmouth and Boston to prevent the landing of cargoes of teas arriving at those ports, were unmistakable evidences of a fixed purpose to contend manfully for right and justice, at whatever cost. The port of Boston was invested by British troops, and her starving poor, objects of the most generous sympathy, commiseration and charity, as these records attest ; and, as the clouds gathered blackness, threatening the people of "the Massachusetts," it awoke in the people of the upper Province a determination to render them every aid in their power "should the cloud first burst upon them." The "hurricane" which Governor Wentworth had foreseen, was upon him. Fort

William and Mary had been sacked, and ransacked of its powder and lighter guns, by a company from Portsmouth and some of the neighboring towns, led by Major John Sullivan and John Langdon. The Governor, finding himself divested of all authority, sought protection and safety in the Fort, under the guns of the Scarborough, which came to the rescue, two days after its dismantling. "The fountains of the great deep were broken up," and because "judgment is turned away backwards, and justice standeth afar off," the people were compelled, in Provincial and lesser assemblies, to consult upon their common safety.

Hillsborough County, at the breaking out of the Revolution, was, in point of population and importance, the second in the State. Amherst was its shire and principal business town, then comprising its present territory and a large portion of the present towns of Milford and Mont Vernon. The recent division of the Province into Counties (1771,) carried to their shire towns many men of wealth and learning, and leading influence with the people of their respective counties, and the Province at large. These formed a nucleus for action, as the storm-clouds gathered in the horizon, and violated rights and threatened liberties demanded defense of the people.

With a brief recall of the relation of the people to the existing Government, subsequent to the division of the Province into counties, the way will be clear to the presentation of the long-lost and sought-for records. From the promulgation of the law making this division, the affairs of the several Counties had been conducted and controlled by the Courts of the General Sessions of the Peace, constituted of the several Justices of the County, each of whom had an equal voice and vote on all questions. But as these held office under the Crown, and by their commissions were sworn to fealty, the people foresaw that the bans under which they act-

ed would impede among them the progress of freedom and render the Sessions, ss a tribunal, an unsafe source of appeal or power ; while they as clearly foresaw that, with the lifting of Kingly authority, there must come an end to all His Majesty's tribunals. "God save the King," was soon to be on board the Scarborough!

It was in this emergency, all government at an end, the people reduced, as it were, to a state of Nature, that resort was had to the only source of self-government, to wit: self-constituted Congresses, composed of such delegates as States and Towns might elect ; subject to the call of Central Committees whenever circumstances should demand their action. This was the general plan of the Colonies : the Continental Congress dictated laws and orders for all ; the Provincial Congress, in harmony acted for its own people ; the County Congress, under both, regulated the affairs of its lesser division ; while the town Committees of Safety, in keeping with all the others, looked after the interests and conduct of their constituents. Harmony in the pursuit of common rights and mutual justice, was the one spirit that controlled and pervaded all.

It was on the 16th of August, 1774, at a tavern in the village of Stoughton, that the delegates of your Suffolk (then embracing Norfolk,) listened to the prayer for Liberty of the aged Pastor of the parish, and to the declaration of Thayer of Braintree : "*We must stand undisguised upon one side or the other !*" while full delegations were ordered to assemble at Dedham, at the opening of September ; from which County Congresses your Warren predicted "very important consequences." The example of the Massachusetts, in holding these important lesser assemblies, was soon followed by the upper Province.

The first Hillsborough County Congress was held at Amherst, November 8, 1774, (as clearly shown by the Hollis records.) For the particular occasion of its being called, no positive evidence is

had, except that found in the words of the call itself, and in the instructions given to the Amherst and Hollis delegates, as no record of its doings is known to exist. The measure would seem to have originated with the people of Amherst, who, having elected Paul Dudley Sargeant, Daniel Campbell, and Benjamin Kendrick to represent them therein, instructed them as follows :

“To use their endeavors to secure and maintain peace and good order in this town, and to use their utmost efforts to diffuse peace and good order throughout the County, and excite in the minds of people a due respect to all just measures that may be recommended by the present Grand Congress at Philadelphia ; and said delegates are hereby instructed to take copies of this vote from the Clerk, and send to all the towns in this County that they shall think necessary to constitute a County Congress,—that so the good ends aforesaid may be answered, grievances heard, and remonstrate to such authority whose province it is to grant redress,—to continue in office until our annual meeting in March next.”

The call was issued, signed by these gentlemen, in accordance with their instructions, giving the following as the objects of the meeting :

“To consult what measures should be thought best to restore peace and good order in said County ; and to take into consideration the grievances this County is supposed to lie under.”

The Hollis Town records show that a town meeting was held, November 7, 1774, under this call for delegates to assemble the next day at Amherst. Dea. Stephen Jewett, Ensign Stephen Ames and Lieut. Reuben Dow were chosen to represent the town in this County Congress, and the following preamble and resolutions adopted by the meeting :

“WE, the inhabitants of the town of Holles, having taken into our most serious consideration the precarious and most alarming affairs of our Land at the Present Day, do Firmly enter into the following Resolves, viz :—

1. That we will (at all times) Endeavor to Defend our Liberty and privileges, both Civil and Sacred, even at risque of our lives & Fortunes, & will not only disapprove of, but wholly Dispise, all such persons as we have just and Solid reason to think Even wish us in any measure deprived of the same.

2. Resolved, that we do Abhor, Detest and Abominate, all Oppressive acts of Persons of Power, whether Magistrates or Officers, whereby the Poor are Destressed, & unlawfully Robb'd of their property, in any unjust manner whatever, & will always Deem them not only inimical to Individuals, but to the General good of Man kind, and will always Endeavor to treat them in such a manner as they shall justly Deserve.

3. Resolved, that we will at all Times Endeavor to assist the Civil Magistrate in the Due Execution of his Office for Supporting our Laws, at the Resque of our lives, and will always shew our Dislike & Disapprobation to all unlawful Proceedings of unjust men, Congregating Together (as they pretend) to maintain their Liberty, and very Outrageously Trample under feet the very Law of Liberty & Madly Destroy that Jewell, which is so Exceedingly Precious to our American Land.

4. Resolved, that all Persons setting themselves to adjudge and Determine Causes between party and party only by the Authority of a Mobbish Company of Disorderly Men, Unlawfully Assembled to Commit Riots and Unlawful actions, are bold, Contumacious Despisers of Law, & their proceedings directly tend to the Utter Subversion of all Regularity, Good Order, Peace and Harmony Amoungst His Majesty's Good Subjects in the Land."

These are the only records yet found from which anything positive can be known of this first County Congress.

The Provincial Assembly, held at Exeter, July 14th, 1774, had chosen and sent delegates to the first General Congress at Philadelphia, appointed a day of fasting and prayer, and elected a Committee of Safety for the Province. Large meetings were held in all parts, and resolutions passed, pledging the people to the maintenance of Liberty and denouncing the arbitrary measures of the British Government.

The first Grand Congress had met in Philadelphia, (Sept. 5th,) in which Patrick Henry, reciting the wrongs inflicted on the Colonies, declared that "all government was dissolved ; that they were reduced to a state of nature ; that this Congress was but the first in a never-ending succession of Congresses" ;—and the more calm and considerate Washington expressed, as his convictions, that "not one thinking man in all North America desired inde-

pendence; but none will ever submit to the loss of those rights and privileges without which life, liberty and property are rendered totally insecure. * * If the Ministry are determined to push matters to extremity, more blood will be spilled on this occasion than history has ever yet furnished instance of in the annals of North America." While Washington favored the measures proposed, he dared not to hope in their success, and when Patrick Henry had read the prophetic words of Hawley, "after all we must fight!" the future Father of his Country, raising his hand, called God to witness, as he declared, "*I am of that man's mind!*"

This first Continental Congress, with no little division of feeling, had denounced eleven acts of Parliament as oppressive; had resolved to import no merchandise from Great Britain or Ireland after the 1st of December, and should redress be delayed beyond Sept. 10, to withhold all exports from Great Britain, Ireland and the West Indies, (rice being excepted, to secure the vote of South Carolina to the agreement.) Says Bancroft, "every refusal to import was made by the colonist at the cost of personal comfort; every omission to export was a waste of the resources of his family. And yet the people so yearned for a bloodless restoration of the old relations with Britain, that they cheerfully entered upon the experiment,* * in hopes thus to bring the British government to reflection." This Congress, also, unanimously, bound the several Provinces to the discontinuance of the accursed slave-trade.

Suffolk in Massachusetts (as already mentioned) had held a similar Congress (Aug. 16); Faneuil Hall, filled with delegates from four Counties, had denounced the Boston port-act as "a wicked violation of the right to life, liberty, and the means of sustenance, which all men hold by the grace of Heaven, irrespectively of the King's leave"; had declared the Act of Parliament removing from the American Courts the trials of officers who should take the lives

of American citizens, as "the extreme of despotism," and proposed the holding of a Provincial Congress, with large executive powers, (Sept. 26.) The same day, at Springfield, two thousand men had marched into town, set up a black flag at the Court House, and, threatening death to any one who should enter, compelled the suspension of the Court. A few days later, a similar suspension at Worcester had resulted from the intervention of four thousand determined men; while in Boston, under shadow of British arms, every juror when called refused to take the oath!

The light thrown upon these partial records of this first County Congress by this general statement of the condition of the public mind, and the fact that long after blood had begun to flow, some of those most active in this and future Congresses, withheld their names from the 'tests' required by the Continental Congress (14th Mar., 1776,) will surely warrant the conclusion that the delegates were not all of one mind, but there can be but little doubt that it sanctioned the doings of the first Continental Congress. While the great body of the people were ready for the conflict, if it must needs be that a bloody conflict come, all would gladly have avoided it; but when the conflict became irrepressible, woe to those who opposed resistance, and basely and doggedly adhered to the Crown and its usurpations!

In connection and close harmony with this statement of the disturbed and divided state of feeling throughout the Colonies, some reliable records of similar events that transpired within the County, in which prominent men in the only towns as yet named were made to feel personally the potency of the words of Thayer of Braintree, "*We must stand undisguised upon one side or the other!*" will well explain the severe terms used in the Hollis resolutions, as well as the wording of the call of this first County Convention, and with this intent are here given.

The first and most prominent of these resulted from the odious and exceedingly oppressive reservation of the Crown of all white pines from 15 to 36 inches in diameter, for the use of the Royal navy. Gov. Wentworth was "Surveyor of the King's woods" in his Province, and Samuel Blodgett, Esq., of Derryfield, his Deputy and Agent. No owner of any land could make a clearing for any purpose until, at his own expense, his lot had been surveyed, and the royal R (Rex) had been emblazoned upon all the King's trees, on penalty of forfeiture of his timber. From neglect of this requirement, through ignorance, inability to meet the expense, or otherwise, whole mill-yards of lumber, cut by the settlers for their houses and barns, work of the whole winter, had often been seized and appropriated by the Crown. In the winter of 1771-2, most of the mill-yards on the Piscataquog were visited and large seizures made. Many of the owners compromised with Blodgett, but owners of logs at Clement's mills, in Weare, refused all his overtures; whereupon, Benjamin Whiting, of Hollis, Sheriff of the County, who had already rendered himself obnoxious to the people, was sent to make arrests in the name of the King;—but, with his sympathetic deputy, found the road to Weare and back "a hard road to travel," as the following record shows:

"On the 13th of April, 1772, Mr. Whiting, in company with Mr. Quigley, his Assistant Deputy, proceeded to Weare, to serve the King's warrants. One of the principal of these men was a Mudgett, or Mudget, who lived near Clement's mills. Mr. Whiting called upon him, and made the arrest; but Mudget suggesting he would furnish the necessary bail in the morning, as it was then late, the Sheriff and his assistant repaired to the tavern near by, kept by a Mr. Quimby, and put up for the night. Meantime the fact of Mudget's arrest got noised abroad through the town, and there were not wanting scores of men to offer themselves as bail for him. But, during the night, a more summary process was agreed upon by Mudget and his friends. Accordingly, early in the morning, Mudget called at Quimby's, and being shown to Whiting's room, he walked up to the Sheriff and told him his bail was

ready. Mr. Whiting jumped out of bed, chiding Mudget for calling him so early, and assayed to dress himself; but Mudget's bail, some twenty or thirty men with blackened faces, were impatient, and rushing into the room, proceeded to the business set apart for the morning. Whiting, seeing the intention of his early visitors, seized his pistols, and would have fired upon them, but was seized and disarmed. They then beat him to their hearts' content, two on a side holding him up from the floor by his arms and legs, as the others crossed out their account of "certain logs cut, hauled & forfeited," upon his naked back! Quigley, his assistant, showed more fight, and was secured only by taking up the ceiling overhead, and beating him with long poles thrust down from the garret. After the populace had beaten the King's officers to their entire satisfaction, their horses were led to the door, saddled and bridled for their riders. The ears, manes and tails of the horses had been cut, and they, as well as their masters, presented a most woe-begone appearance. Whiting and Quigley refused to mount and were assisted to their horses in no gentle manner. They were then started down the road, amid the joke and jeers of the people. At Whiting's request, Colonels Goffe of Bedford and Lutwyche of Merrimack ordered out the *posse comitatus*, and, armed with muskets marched to Weare, but the rioters could not be found. One soon after was committed to jail, and others gave bail to appear in September, but all, doubtless, escaped punishment, and the affair in a few years began to be looked upon as one of merit, rather than as one deserving disapprobation."—*History of Manchester*.

The following is from the Diary of Hon. Matthew Patten, of Bedford, N. H. :

"Sept. 19, 1774. I went to a town meeting at evening, and the people intended to go to Amherst to-morrow to visit Mr. Atherton, who insisted on my going with them; and they told me that I must and should go: and that if I did not, they would visit me. On which I said I would go.

20th. I went to Amherst, and about 300 men assembled and chose a Committee, who went to Mr. Atherton, and he came to the people to the Court House, and he signed a Declaration and read it to the people, who accepted it. He invited them to go to Mr. Hildreth's and drink what they pleased. The people dispersed about midnight, without doing any outrageous act. I stopped till morning."

Many details are on record of subsequent acts in relation to these officials and other obnoxious loyalists, but these, ante-dating this first County Congress, are somewhat explanatory of terms found in its partial records.

And here we leave this imperfect history of this first County Congress, hoping, if not sooner, a hundred years away, some earnest searcher may discover its lost records; thus realizing the pleasure of re-uniting a broken strand, and making its history complete,—a pleasure that is mine in presenting the history that follows.

The SECOND HILLSBOROUGH COUNTY CONGRESS was held at Amherst, on the 5th of April, 1775. Your minds, replete with the thrilling echoes of the first three months of that eventful year, in which Parliament had proclaimed Massachusetts in rebellion, and her Congress had declared that "Resistance to tyranny becomes the Christian and social duty of each individual;" while from Virginia's proudest son came the re-echoing cry, "Give me liberty, or give me death!" will readily picture to you that closing day of March in which Benjamin Kendrick and Daniel Campbell, the Central Committee, sat down to make transcripts of this identical and precious paper held in my hand, to be sent to all the towns in the County :

"BRETHREN—When we consider the unhappy condition to which our American Brethren are reduced, when we view the Lowering Clouds charged with Ministerial Displeasure fast spreading over this extensive Continent, ready to burst over the heads of its inhabitants,—At this alarming juncture, Duty to Almighty God, to our Country, ourselves, and Posterity, demands our most strenuous Exertions to avoid impending Danger. In order thereto, we have thought it advisable to constitute a County Congress, to take under their Consideration measures Necessary to be pursued Relative to the Province of the Massachusetts Bay, in case the cloud should break on that Province first—and to consider and prescribe some measures with Reference to the Conduct of the People in this County towards each other in such a Day of Distress—as also to consider and treat with the Gentlemen of the law, about carrying actions out of the County, and bringing actions in the County in favor of Men in the Massachusetts Bay. Wednesday, the 5th day of April next, is appointed for said purpose. It is therefore earnestly desired that your Delegates, if such are or shall be appointed, would attend.

April 3, 1775, the town of Hollis elected Deacon Stephen Jewett and Deacon Enoch Noyes delegates to this second Congress, and instructed them as follows;

Respecting the first Article Recommended in the letter from Messrs Kenrick and Campbell, about What Measures is Necessary for this County to take Relative to the Province of the Massachusetts Bay, &c., if the Cloud should break on that Province first—as to this Article, as there is a Community chosen by the late Provincial Congress which was held at Exeter to Correspond with the Committys of Correspondence for the Massachusetts Bay, who will upon any Immergency of that kind notify this Whole Province—therefore if this County should propose any Measures, Perhaps it Will be Detrimental to the Province Plan.

As to ye 2d article, Respecting the Conduct of the People in this County atowards Each other in this Day of Distress, we look upon the Meathod Proposed by the late Congress held at Exeter, which is Recommended to this Whole Province, Respecting matters of this Kind, to be as good a Meathod as any we can Prescribe.

As to ye 3d Article, Respecting actions being Brout against People in this Government in favor of Persons in the Other, We leave this intirely to the Delegates Discretion.

4ly, As to actions Being carried out of this County, we think a Petition to the General Court for another Superior Court in this County if answered would be the most likely means to take away the Cause of this greavance.

The following records of this second County Congress, as before stated, were found among some worthless deeds of the late Daniel Campbell, (senior,) carefully folded in the above call—and to-day are for the first time to be made public:

“PROCEEDINGS OF A COUNTY CONGRESS, APRIL, 1775.

At the Court House, Amherst, April 5, 1775.

In County Congress, Present Benjn. Kenrick, Daniel Campbell, Paul Dudley Sargeant, Amherst; Jona. Martin, Mr. Punnam, Wilton; Francis Blood & John Cragin, Temple; Francis Epes, Lyndeboro; Deacon Juit, Holles; Joseph Merriam, Mason; Capn. Chamberlane, Capn. Auld, Capn. Barron, John Neal & Simeon Cummings, Merrymack; Aaron Brown, Peterborough; Doct. J. Gove, Esqr. Clark & Thomas Wilson, New Boston; Nathl. Switzer, Dearing; Esqr. Quigley, Frances Town; John Parker & Dan-

iel Kendol, Litchfield ; James Martin, Bedford ; Joseph Bates, New-Ipswich ; Asa Davis, Mr. Hazelton, Nottingham-west ; Capn. Lovewell, Dunstable ; Capn. Stark, Derryfield.

1. Voted, Benjn. Kenrick, Chairman.
2. Voted, John Cragen, Clerk.
3. Voted, to adopt and abide by the Resolves of the Continental Congress. Objected to by Doctr. Gove & Esqr. Quigley.
4. Voted, that Capn. Blood, Capn. Stark, Capn. Lovewell, Mr. Sargeant Mr. Jona. Martin, Doctr. Gove and Daniel Campbell be a Committee to consider the several Articles in the Circular Letter signed by Mr. Benjn. Kenrick and Daniel Campbell, and make Return to morrow at the adjournment.

April 6th, met by Adjournment.

5. Whereas it is necessary for the Defens of any People that they Perfect themselves in the Military Art, and whereas it is said from the Good Discipline of Regular troops that one Regiment would put to flight ten that are not Disciplined, we Earnestly recommend to this County to form themselves into Companys and make choice of such men as they shall think Best Qualified for Teaching the Military Art, to meet once a week at least, and at the same time paying that obedience to the Officers appointed by Authority as the Law Requires, And make certain Rules binding themselves in the manner they judge most proper for executing the above-mentioned plan.

6. We would Recommend to all Persons of this Community not to engage in any Routs, Riots, or licentious attacks upon the person or property of any person whatsoever, as being subversive of all Good Order & Government.

7. That a Remonstrance be made to the Good People of the Massachusetts Bay, showing the Difficulty this County labours under from their not being able to Recover monies in that Province when there are considerable Sums Due to them, and praying that they would not Distress Us, at this time when we are Doing Every Thing in our Power for them.

8. That a Petition be drawn & preferred to the General Court praying An Act to be made Requiring the Endorsee to make oath that he has paid a Consideration Equal in Value for any Note brought in his name.

9. That a Petition be drawn & preferred to the General Court praying An Act to be made that there may be two Superior Courts in this County annually.

10. Voted, that Capn. John Stark, Mr. Paul Dudley Sargeant, & Daniel Campbell, be a Committee to Draw up the Petitions to be preferred to the General Court—also to carry the same to the Selectmen of the Several Towns in the County in order to be signed by them—likewise Present them to the General Court.

11. Voted, that the above-named Capn. John Stark, Mr. Paul Dudley Sargeant & Daniel Campbell be a Committee to Draw a Remonstrance to the Good People of the Massachusetts, and Insert the same in the Essex Gazette and one of the Boston papers.

12. Voted, that Deacon Jewet, Doctr. Gove, & Ensign Daniel Kendol, be a Committee to wait upon the Gentlemen of the Barr, Desiring them as much as in them lies, consisting with honor and justice, to Discourig all actions that may be brought by Persons in the Bay Government against any man in this County; until the laws have free course in that Government, and make Report at the Adjournment. Adjourned till to-morrow at Eight o'clock.

April 7, met according to Adjournment.

The Return from the Gentlemen of the Barr by the Committee chosen to treat with them that they will fully comply with the above request in all particulars.

Voted to Return the thanks of this body to sd Committee for their faithful services.

Voted, that Paul Dudley Sargeant, Jona. Martin and Daniel Campbell be a Committee to call a meeting of the County when they shall see occasion therefor, and Desolved the meeting.

The Remonstrance to the "Good People of the Massachusetts" voted, did not appear in the Essex Gazette, and probably was never made. The "irregularities" which occurred at Lexington and Concord, but a few days after this, demanded their attention and remonstrance, rather than any grievances that existed in their relations and intercourse with the lower Province.

Their recommendation for military drilling of the people, fully explains their readiness for, and promptness in responding to the calls for aid when the cloud so suddenly burst on the good people of the Province below.

Their petition for two sessions of the Superior Court annually, well illustrates and fully verrifies the words of Bancroft, quoted at the opening of this sketch, that "the people were rushing towards revolution, but knew it not,"—full two years intervening ere any ermine appeared upon that Bench.

And here we must leave our historical sketch of this Second County Congress, to give as reliable details of the Third.

A THIRD HILLSBOROUGH COUNTY CONGRESS was held at Amherst, May 24, 1775. A fragment of the letter calling this third Congress, with its thrilling appeal, was found, many years since, among the papers of John Bell, Esq., of Bedford, one of the Selectmen of that town in those stormy days, and published by Col. Potter in his history of Manchester, (the original then being in possession of Charles Richardson, Esq., of Worcester, Mass., for many years Sheriff and Gaoler at Amherst, since deceased.) The following is what remains to us of this interesting document :

"God forbid! Let every Brest swell with Disdain at the Impious thought.

The British troops have invaded every sacred Right of Nature. Then let us defend them as long as we have life. And we believe the Great God that Gave them to us will look down with Gracious Approbation and Cause us and our Posterity to Rejoice in his Salvation. And while we are vigorously Defending ourselves against the attacks of the British Troops, it is expedient and equally necessary to give due attention to our internal Policy in this County.

Stimulated by these reflections, we have Thought proper, by and with the advice of a number of Respectable men in Amherst, to appoint a County Congress. Accordingly Wednesday, the 24th of this instant May, at eleven of the Clock, at the Court House in said Amherst, is appointed for that purpose to consider and determine upon the following Particulars (viz.)

FIRST, to see if the Congress will appoint a Committee of Correspondence to wait upon or join with the Congress in the Province of the Massachusetts Bay.

SECONDLY, to go into some measures for the better security of the internal Polity of this County to prevent declining into a state of Nature.

THIRDLY, to enforce a strict Adherence to the Association of the late Continental Congress.

It is Desired that you send your Delegates, and with them a Certificate of their appointment.

Gentlemen we are your
hhble. Servts.

DANIEL CAMPBELL } Committee for call-
JONA. MARTIN } ing a Congress.

May 13th, A. D. 1775."

The discovery of the full records of the third County Congress among the defunct Campbell deeds, was as when a searcher for gems uncovers a Kohinoor. Their recovery renders nugatory the many conjectures as to its proceedings, and corrects many misapprehensions long entertained.

COUNTY CONGRESS, AMHERST, MAY 24, 1775.

At a Convention of the Delegates from the several towns in ye County, held at Amherst, May 24th, 1775.

Chose Jona. Martin, Chairman.

Revd. Mr. Searle of Mason, Clerk.

To see if it is the minds of the members of th is body to agree to and acquiesce in the Resolves of the late Continental Congress in Sept. & Octr. Last at Philadelphia.

Voted in the Affirmative.

To see if the several towns in the County have chosen a Committee of Safety—to see if the towns in the County strictly adhere to late Resolves of the Continental Congress.

Answer in the Affirmative Except two towns which promised to forward the same.

Voted a Committee to act on any affairs that may come before them, or any seven of them to be a corram to act till further orders.

Committee, Campbell, Nevens, Lovewell, Neal, Barron, Martin, Hail, Simonds, Holmes, Mr. Searle, Mr. Webster, Adams, Bowman, Patten, Jones.

Upon the article in the call respecting the sending of a Committee to meet the Bay Congress, the town of Hollis instructed its delegates “that as we have a Provintial Congress now sitting which doubtless will send to them, therefore it appears to us not Best for this County to take it upon themselves to send such a Commity.” This matter, with all matters touching the “internal Polity of this County to prevent declining into a state of Nature,” appears to have been submitted to this large Committee of Safety for the County, which was, for a time, the only local government.

It cannot be matter of surprise to any who have well considered the state of public affairs in these opening months of the Revolution, that in the abrogation of the tyrannical government under which they had lived, and the improvising of self-government, there should be many an occasion for the misunderstanding of rights and duties, as well as for much friction, growing out of differings of opinion and judgment, honestly entertained by those acting for the people in these several committees, as to the wisest and safest courses of action. This will be the more apparent if we recall the fact that some of the most active members of these primary assemblies, (as did the first-named on this County Committee of Safety,) a full year after this, refused to subscribe to "the test" prescribed and presented to all the people of the Colonies for their signature, by the Continental Congress.

The following original paper affords proof of such friction, and will serve to throw light on the relative duties, and the oft uncertain judgments, of the distinct branches of the unique government thus hastily formed. It was found among papers of the late Noah Worcester, Esq., one of the Hollis Committee of Safety, and grandfather of Hon. S. T. Worcester, of Nashua, (present with us,) through whose courtesy it is here presented :

THE LETTER THAT WAS DIRECTED TO MR. SEARLE, CLERK FOR
THE COUNTY CONGRESS.

HOLLES, July 17th, 1775.

GENTLEMEN—You must be Sensible that it has been Strongly Recommended by the Continental Congress, and Enjoyed by them upon the inhabitants of the Several Towns in this Government, that they chuse Committees of Safety to keep Good Order in their Respective Towns, & also to Examine & deal with all such persons as appeared to be in any wise Enemical to their Country. You must also be Sensible that it has been Recommended by the Continental Congress to all the Colonies on this Continent in General, and in Particular, We in this Government have had it Recommended to us by our Provincial Congress, to do all in our power

to preserve Good Order among our Selves, that thereby the Union of all the Colonies might be perfectly harmonious, that we might avoid doing any thing that might Cross the General plan, & have a tendency to destroy the Common Cause.

—Therefore, we would inform you that the inhabitants of this Town did Chuse us the Subscribers as a Committee of Safety for the Purposes above mentioned, & We have met from time to time & always hitherto have been, & still are Ready to hear any Complaints against any inhabitant of this town, & determine the same impartially. Notwithstanding all which we Understand you have *Assumed* on Authority of your own to Summon some of the inhabitants of this Town before you for Tryal. We should have Really thought if you had any thing against any of them, that you Could not have been so mistaken as not to have known that it was your duty to have Come & Complained to us, and if you were not Satisfied with our Decision of any matter, you might Appeal for Further Tryal to our Provincial Congress, or Committee of Safety, or the Continental Congress; this we look upon to be the proper way, —and When any person or body of men, do Assume upon themselves to Go Contrary to the Advice of the Respective Congresses, & the Rules and Resolves Laid down by them, they are Really hurting the Common Cause, and are (what they call others) Enemies to their Country. And you may depend on it that we both as members of Society and as a Committee of Safety in this Town shall, as We think it our Indispensible duty, do all in our power to have the strictest Regard and obedience paid to Whatevyr the Respective Congresses have already advised to and may Advise to.

As to your Citing any persons before you who have been Examined by us, and Dealt with, We look upon it to be of Dangerous Consequence, a very Extraordinary Procedure, and a Reflection upon our Capacity and understanding, and something which did not belong to your proper Province.

We herewith send you inclosed a Copy of the declaration which was subscribed by sundry persons of this Town, & which was thought by us to be satisfactory, & we gave those persons a Certificate under our hands that we looked upon them as Friends to their Country. This declaration here inclosed has been shown to some of the members of the Provincial Congress of this Government, to a number of Gents in the Massachusetts Province & in the Colony of Connecticut, and they all of them have highly approved of it, and think it by all means Satisfactory.

Upon the Whole, Gentlemen, we would Assure you that all we are Seeking after is to promote the Good of the Country, of the Province, and the Common Cause of all America in General, in the defence of our Just Rights and Liberties; and We Earnestly Wish and Pray that our Endeavours may be Crowned with Glorious Success. We are Gentlemen your Hum^l. Servants—

The occasion for this sharp remonstrance of the Hollis Committee of Safety may be found in the following record of the proceedings of the County Committee chosen by this last Congress :

PROCEEDINGS IN THE CASE OF BENJAMIN WHITING, OF HOLLIS.

Whereas the delegates for the several towns in the County of Hillsborough in Congress chose a committee of nine persons to hear, examine, and try Benjamin Whiting, Esq., as an open and avowed enemy to his country, the said Whiting being notified of the time and place of hearing, did not appear.

ORDERED, that his contempt be recorded, and that upon examination of sundry depositions and evidences we find him guilty of the crimes laid to his charge, and we do caution all persons from connexions with him.

MATTHEW PATTEN, *Chairman*.

AMHERST, in N. H. government, July 13, 1775.

One of these depositions was as follows :

Thompson Maxwell testified and said that in the month of May last past, I was riding from Holles to Amherst, in New Hampshire government, in company with Benjamin Whiting, Esq., who asked me what I thought of Major Sullivan's taking away the guns and powder from Castle William and Mary? I answered that I looked upon it as a piece of good conduct. Then said Whiting answered that said Sullivan was a dam'd perjured villain for so doing, and a dam'd rebel, and deserved to be hanged, that this spring the king's standard would be set up in America, and proclamation made that those that would come in and enter their names would have a pardon, and those that would not would be deemed rebels and suffer death jointly, and that within three months said Sullivan and John Hancock would be hanged. The said Whiting also said he hoped I would come in and enter my name.

Sworn to before

JONAS DIX, *Jus. Peace*.

CAMBRIDGE, July 6, 1775.

But Whiting proved a false prophet ; and the Certificate of the Hollis Committee of Safety proving as false as he, and failing to make of him a safe man for the Province, he was finally proscribed and banished, and his property confiscated.

The towns of New Boston, Weare and Francetown, appealed directly to the Provincial Congress for redress of their troubles at about the same time, as the following paper (Hammond's Town papers, vol. 12, p. 649,) shows :

STATEMENT OF THE COMMITTEES OF SAFETY OF NEW BOSTON,
FRANCESTOWN AND WEARE, JULY, 1775.

To the Honorable the Provincial Congress, Council of War, or Committee of Safety sitting at Exeter in and for the Province of New-Hampshire. Gentlemen—

We the Subscribers being Committees of Safety for our respective Towns think it our indispensable Duty to remonstrate to you Gent^l as the Guardians of our Province the malancholly and unhappy Scituation of our Country hy Reason of a Number of Disorderly Persons who lying aside all Reason and Rules prescribed by You Gent^m and the Wisdom of the Continent, have set themselves as it were in Battle Array against all Order ; and pursue with hasty steps the very road to Confusion and Effusion of Blood and therefore from such unnatural Behaviour fearing the worst of Consequences if not speedily prevented and conscions we have done everything in our Power hitherto within our proper spheres of Action to prevent a Consequence so horrible in its Nature and so utterly subversive of Peace and and Unity and seeing the dreadful Eve of domestick War now blackening over our heads we now avail our-selves of the last Effort in applying to You Gent^l in whom this Province has reposed so much Confidence, humbly beseeching You in your great Wisdom to point out Some more effectual Method than has heretofore been taken, that all Persons who have been fairly and impartially examined and Justly and honourably acquitted of the odious Names Tories and Enemies to their Country may rest in Peace for the future and have an Opportunity by their good Behaviour to prove to the World what Malice itself must acknowledge and applaud and unless some such Method be Speedily taken (in our opinions) our County will soon discover that Committees of Safety are hnt Empty Names and the Distress of Nations our only Asylum and Place of Resort If the Above Remonstrances should appear to you Gent^l Reasonable and worthy of Notice Your Compliance therewith will conferr very great obligations on

Gent^l Your most obed^t h^be Serv^{ts}.

New Boston, July 18, 1775.

Charles mellen, John Dickey James Fisher	} <i>Comittee of Safety</i> } <i>for Francetown</i>
William mcmaster, Thos McLaughlin	

James m ^c Farson, William moor	} <i>Committee for</i> } <i>New Boston</i>
Daniel mcallester	

William Dustan, Timothy worthley	} <i>Committee</i> } <i>for Weare</i>
Ebenezer Bayley, Sam Philbrick	

The following correspondence should have a place in this record of the third Hillsborough County Congress. The first letter was copied from the Essex Gazette of date of August 3d, 1775, the reply thereto, from vol. two of the "American Archives," the extensive documentary collection by Peter Force.

To the HON. JOHN SULLIVAN, Brigadier-General of the Continental Army—

SIR,

The Committee of Safety for the County of Hillsborough, in the Colony of New-Hampshire, having in contemplation the great Services you lately rendered the County in your Civil capacity, and the great Abilities you then exerted at the Bar, in their Defence, at a Time when the People were most cruelly oppressed by the Tools of Government, pray Leave to address and congratulate you on your Appointment to the rank of Brigadier-General. An Appointment, which as it distinguishes your Merit, so at the same Time, it reflects Honour upon, and shows the penetrating Discernment of those truly eminent Patriots, from whom you received it, and of whom are composed the Continental Congress.—Nor are we less sanguine in our expectations, of the high advantages, which must result (under God) to the Public, by your military Skill and Courage—As you have been indefatigable in attaining the first, and have given a recent Instance of the latter, to your great Honour and Reputation, in depriving our Enemies of the Means of annoying us at Castle William and Mary, and at the same Time furnishing us with Materials to defend our invaluable Rights and Privileges.

This, Sir, must be ever had in Remembrance, and (amongst the Actions of others our Heroes of 1775,) handed down to the latest Posterity.—That the Almighty may direct your Councils,—be with you in the Day of Battle—and that you may be preserved as a *Patron* to this People, for many years to come, is our *fervent* Prayer.

Per Order,

July 17, 1775.

MATTHEW PATTEN, *Chairman.*

While Sheriff Whiting and his base Tory compeers would gladly have hanged Sullivan for his noble venture, the people of the County were of Thompson Maxwell's opinion, that "it was a piece of good conduct!" And as in duty bound, will ever so regard it.

The following is General Sullivan's answer addressed to this County Committee, copied as above stated :

To the Honourable the Committee of Safety for the County of Hillsborough :

GENTLEMEN: Your polite congratulatory Address upon my Appointment to the rank of Brigadier-General in the *American Army*, demands my most sincere and cordial thanks. Your approbation of my conduct while at the bar, acting in defence of an injured people against the arbitrary tools of Government, gives me highest satisfaction.

The favorable opinion you have formed of my courage and military skill, must alone be a sufficient inducement for me to exert myself at this important day, and, if possible, prevent you from being disappointed in your expectations. It gives me great pleasure to find that so respectable a number of the worthy sons of freedom, in the Colony to which I belong, have so publicly given their approbation of my conduct in assisting to secure the warlike stores at Fort *William and Mary*, and thereby preventing those evils that must have resulted from our enemies having possession of them. That the important office you sustain may be ever held by such worthy patriots, who, while they so nobly exert themselves in defence of our common liberties, are endeavouring to strengthen the hands of others, is, gentlemen, the earnest prayer of

Your most obedient servant,

JOHN SULLIVAN.

Camp at Winter Hill, August 10, 1775.

The following blank form of an iron-clad oath was found, in writing, with the other records, among the Campbell papers :

"I, A. B., Do solemnly Swear By the Great Name of the Ever-living God that I will do my duty as a good Subject of the State of New Hampshire, that I will to the utmost of my power and ability Disclose and make Known to some officer or Magistrate acting for and under the Authority of the United States, or some one of them; all plots & Conspiracies which I know or may come to my Knowledge against this State, or the United States of America, or any one of them; as Independent of and in opposition to the King of Great Britain—and that I will not Directly or Indirectly aid, assist, advice, or give Intelligence to any person or persons acting under the Authority of the Said King of Great Britain Relative to his or their Endeavouring to Bring the United States or any one of them under the Dominion of the Said King. And that I take this Oath without any mental Reservation or Equivocation whatsoever, and mean Honerably and faithfully to perform the same. So help me God."

In these unquestionable records we have seen the manner in which the people of Hillsborough County proceeded in the formation of a Government to protect themselves, and to avoid "declining into a state of nature." This County Committee of Safety, thus chosen and instructed, and subject to the instructions of the Provincial and Continental Congresses, constituted the only local appeal higher than the Town Committees of Safety, until the formation of the State Government, in January following.

The late Col. Potter, our State civil and military historian, investigated this history while writing the "History of Manchester," and in that work (pp. 427-8,) says :

"This (third) Congress met on the 24th of May, at Amherst, and proceeded to take measures for the "better security of the internal polity of the County," (words quoted from the call.) Among other measures, a Committee was chosen to take possession of the Jail, and the Congress adjourned to the 4th of July.

"On the 4th day of July the County Congress met at Amherst, according to their adjournment. Mr. John Harvey was doubtless in attendance from this town (Derryfield). The keys of the Jail were duly given into the care of the Congress by this Committee.

"They then chose various Committees,—one, consisting of men in each town, to "judge Tories," and another to exercise the powers of Justices of the Peace within the County. They also established a Court of Justices, to be held at Amherst, at stated periods. Of this Court Hon. Timothy Farrar was a Justice and "held court" at Amherst during the summer of 1775, by virtue of authority of this Congress. After making arrangements for "securing the internal polity of the County," the Congress adjourned."

Of this supposed fourth County Congress there is to be found no records, and there are many reasons for the belief that no such gathering or results occurred. Of these a few may be mentioned:

1. The day named, the 4th of July, (then without political significance,) was the day for the assembling of the Inferiour Court of Common Pleas for the County, at the same place ; and the 6th, for the Justices' Sessions. The records of both show but two members present, both Amherst Justices, one presided, the other acted as Clerk *pro tem.*, and adjourned the Courts!

2. A Committee to judge and deal with those suspected of infidelity to their country already existed in every town, and the Third Congress had also elected a large Committee of Safety, and entrusted thereto the internal policy of the County. The matter of the appointment of a Court, and of persons to exercise the powers of Justices of the Peace, by its authority, lacks verification, notwithstanding the statement of Judge Farrar (see Hist. of New-Ipswich p. 365,)—a statement probably made from memory, at the treacherous age of 93. Frederic Kidder, Esq., one of the authors of that history, (after a careful examination of these records, and, in company with the writer of this sketch, carefully examining the Court and Town records of the County, and finding no trace of Court, Justice or Juror,) fully endorsed the view herein taken.

In June, 1775, two men were convicted by the Committee in Mason, of stealing and killing a heifer, and fined, but refused payment; whereupon the advice of the Committees of New-Ipswich and Mason was sought, and the rogues summoned to appear before the three. But they did not appear; and Mason Committee appealed to the Provincial Congress for instructions! Where were the Courts and Justices? A good illustration of the times.

3. This Fourth County Congress is represented as having been held by *adjournment* from that of the 24th of May; but the complete record of that Congress, herein presented, proves that, like its predecessors, it was "*dissolved*."

4. It is no confirmation of the continuance of these Congresses that one or two towns may have elected delegates at a later date. Deer-keepers were elected long after all the deer had fled!

The following miscellaneous records will serve to illustrate the foregoing sketch, and to sustain some of its positions :

"Oct. 23, 1774, (Sunday) a warrant was issued for a town meeting in Mason, the next day, to choose a delegate to meet the Sessions at Amherst.

At a town meeting in Merrimack, held May 9, 1775, a Committee was chosen to draw up instructions to Jacob McGaw, who had been chosen to represent the town in the Provincial Congress at Exeter, on the 17th, "to be laid before the town on *Sunday* next for their approbation."

"Revolutionists know no Sabbaths."—*Webster's Balt'r. Add.*

Our Revolutionists evidently had no respect of persons, and as little knew the Clergy as the Sabbath, in that trying crisis. In Judge Patten's diary is the following :

July 17th, (1775) There was 4 of Goffstown committee, and 4 of Merrymack, and 2 from Derryfield met in Bedford by desire of the Bedford committee, to judge of (Rev.) Mr. Houston's being an Enemy to this country ; they judged him Guilty and confined him to the County without leave from the major part of the committees of the towns who judged him ; we broke up the next morning after day-break."

The Rev. gentleman still proving "enemycal," the town voted him 36 Sabbaths to his own use more than the 9 agreed upon, and no pay! He was soon after treated to a free six-mile ride upon a wooden horse, by a private committee, with no better result.

[Where was the County Committee, represented as chosen two weeks previous, to "judge the tories"? (See p. 25, ¶ 5.)]

A town meeting was held in Merrimack, June 19th, 1775, "to choose a Committee to meet the Committee of the neighboring towns in order to choose Field Officers for Regulating the Militia, as is recommended by the Provincial Congress." That gathering of "neighboring towns" has left no trace behind.

Hollis records afford another instance of appeal to neighboring Committees of Safety, and of the misjudgment of the Courts:— Early in 1776, Benjamin and Leonard Whiting, Samuel and Thos. Cummings, and Richards Cutts Shannon, a proud lawyer, fresh from Portsmouth, were summoned before the combined Committees of Safety of Hollis, Dunstable, Merrimack and Litchfield. They appeared with counsel ; appealed to the General Court, in session at Exeter ; were tried and discharged ; but, nevertheless, proved desperate Tories. In the same month, Thomas Cummings was indicted by the Superior Court and gave bail to appear in September. Record, “leg bail.”

Town Committees “judged the Tories” till law and order were fully restored. In October, 1779, Hollis, in town meeting, adopted the price of certain articles agreed on, and posted the same, all persons not governed thereby to be judged “inimical.” Zechariah Lawrence, jr., being convicted of defacing the document posted, the town by vote turned him over to its Committee of Safety.

Hollis had had enough trouble from these friends of the King, and there was no desire for their return. Early in 1783, a town meeting was held to act upon this matter. The following record is not remarkably fragrant with forgiveness :

The minds of the people being tried in respect to the Returning of those Miserable Wretches under the names of Tories, Absentees or Conspirators,

Voted unanimously that they shall not be allowed to return or regain their forfeited possessions.

Voted that a Committee be chosen to give the Representative of this Town particular Instructions which may convey to him the unanimous sentiments of the people in respect to the Absentees above mentioned.

These were the men, notoriously “inimical,” who, eight years before this, were dealt with by the County Committee, drawing out the bitter remonstrance of the Hollis Committee (p. 20.), who had given them *clean papers* !

Bedford people were no less decided, but a little more moderate in their expressions. May 31 1783, they instructed Lt. John Orr, their Representative at the General Court, as follows :

SIR :—Although we have full confidence in your fidelity and public virtue, and conceive that you would at all times pursue such measures only as tend to the public good, yet upon the particular occasion of our instructing you, we conceive that it will be an advantage to have your sentiments fortified by those of your constituents.

The occasion is this : the return of those persons to this country, who are known in Great Britain by the name of loyalist, but in America, by those of conspirators, absentees, and tories :

We agree that you use your influence that these persons do not receive the least encouragement to return to dwell among us, they not deserving favor, as they left us in the righteous cause we were engaged in, fighting for our undoubted rights and liberties, and as many of them acted the part of the most inveterate enemies.

And further,—that they do not receive any favor of any kind, as we esteem them as persons not deserving it, but the contrary.

You are further directed to use your influence, that those who are already returned, be treated according to their deserts.

The process of “judging tories” may be learned from the following. One of Henniker’s Justices, being “suspected,” was summoned and appeared before the Town Committee, in the old log meeting house. The following is the Report made to the State Committee of Safety :

Henniker, June ye 12, 1775.

The Resolves of the Committee met to discourse Joseph Kimball, Esquire, concerning his political principals in the dispute betwixt Brittain and this North America. Accusations as follows : viz : the sd Kimball did say that he did not blame General Gage for coming to this North America But did not justify or approve his evil Conduct since he has been in ye Country. Further, the sd Kimball is for keeping up civil authority. Further, the sd Kimball being accused of speaking favorably of Gov. Wentworth—But discoursing the Committee before the body of the people and finding the people disaffected, the sd Kimball saith he is sorry that the people are uneasy with him : and that he is sorry if he hath given any provocation of offense. But means to do all so far as lies in his power to Propagate ye liberty cause, and we the sd Committee of Safety do receive ye sd Kimball as a friend to ye Common Cause.

The following documents will serve to explain some of the votes passed by the Second County Congress (p. 16):

Concord (January, 1774,) petitioned to be annexed to Hillsborough County, for reasons thus set forth :

First, as there is but one Superior Court of Judicature in a year held in said County of Hillsborough, and Prisoners committed for capital crimes must lay in Goal sometimes Eleven nine or six months according to the time they are committed before it can be known whether they are or are not guilty ; and in case they should be acquitted your Petitioners constituents humbly apprehend it a great Pity that they have suffered so long and if found guilty they think it a grievous burthen to maintain such bad subjects so long at expence of poor honest industrious beginners in the wilderness.

Secondly Creditors in General in said County of Hillsborough who inclue to sue at any time except July term in said County are obliged to indorse their notes &c. over to persons who live in the County of Rockingham or other Counties & some to the Massachusetts, and the expence is as great as before they were a County.

[For full petition, by town agent, see Prov. pap. vol. 7, p. 348]

In June, 1775, the Provincial Congress at Exeter issued the following Address to the people :

This Body having taken into consideration the great stagnation of trade and the difficulty to which their constituents are reduced by the unhappy dispute with Great Britain as to the turning either their Real or personal Estates into Cash, think it necessary to recommend for the present all possible lenity & forbearance in Creditors towards those who may stand indebted to them, and that they avoid multiplying suits at law & especially the carrying them to such length as the Levying Execution on Real Estate, which must in this case (in our apprehension) be sold much below their Real value. We must particularly recommend this lenity & forbearance in Reference to such who have or may engage as officers & Soldiers in the defence of the invaded rights and Liberties of America ; and we further recommend to Debtors all possible care and endeavor to discharge to the utmost of their power all demands upon them.

The preamble and sharp resolutions adopted by the town of Hollis, November 7, 1774, (see p. 8,) and supposed to have originated there, may be found, under previous date of October 21, in American Archives, ser. 4th, vol. 1, p. 887, also, in N. H. Prov. Papers, vol. 7, p. 417, headed, "FRANCES TOWN RESOLVES," with twenty-three signatures, headed by Esq. John Quigley! This was Esq. Whiting's assistant, in 1772 famed for his ride to Weare and back, (see p. 12); in 1773, asking protection in Court-time, which he doubtless needed, (see records following); in 1775, adjudged by County Committee unsafe to be at large, (Prov. Papers, vol. 7, p. 563); who sought protection at Exeter six days later, and probably found it in "Cohos" (Prov Papers, vol. 7, p. 639.)

In June, 1775, Joseph Kelley, of Nottingham West, by order of Committee of Safety at Cambridge, "raised a number of men for the preservation of the liberties of America," and "verily thought he was serving God and his country in so doing." But he and one Major Hubbert were "suspected persons," and the men refused to be mustered in by the latter, and so Kelley appealed to the Provincial Congress at Exeter. (Prov. Papers, vol. 7, p. 496.)—Kelley's reputation was bad, as will be seen in the Court records.

July, 1775, objections being raised that Francestown Committee of Safety was not fairly and legally elected, the Selectmen called in the Committees of two neighboring towns, who sanctioned the election. (Prov. Papers, vol. 7, p. 563.)

The Committees of Litchfield and Merrimack having taken possession of Lutwyche's Ferry (now Thornton's) and run it, Sarah Lutwyche appealed to the Congress at Exeter, Nov., 1775, and it was restored. (Prov. Papers, vol. 7, p. 641.)

The Bedford Committee attempt to settle a private claim but fail. (See Prov. Papers, vol. 7, p. 671.)

BRIEF SKETCH
OF
Hillsborough County Courts,
FOR
FIRST DECADE.

Prior to the Revolution, not only the Governor and Council, but all magistrates, held their commissions from the King.

The bill dividing the Province of New-Hampshire into five Counties, passed by the Assembly, having received the approval of the King, took effect March 19, 1771. Previous to this all the Courts had been held at Portsmouth, and the transaction of business in them was attended with great delay and expense.

Four Courts were at that time constituted : the Superior Court,—the Inferiour Court of Common Pleas,—the Court of the General Sessions of the Peace,—and the Court of Probate.

The following brief record of the Hillsborough Courts from their inception through that decade, will be of interest and value as explanatory and illustrative of the foregoing. They were copied by the compiler of this sketch, from the original records in the County Clerk's office, in 1872.

The first record found of any Court in Hillsborough County is that of the General Sessions ; but this brief sketch will be commenced with that of the higher Court.

Hillsborough Superior Courts, 1772-'82.

—
ANNO REGNI REGIS GEORGII TERTII MAGNÆ BRITANNIÆ,
FRANCIÆ ET HIBERNIÆ DUODECIMA.
SUPERIOR COURT, 2d TUESDAY SEPT., 1772.

HON. THEODORE ATKINSON, *Chief Justice.*

HON. { Meshech Weare,
Leverett Hubbard, } *Justices.*
Wm. Parker,
George King, *Clerk.*

Joseph Kelley was convicted. (Offence not stated.) Sentence, fine £10 and costs, 3 months in Jail, and to give bonds £100 for his good behaviour for one year.

—
SUPERIOR COURT 2d TUESDAY SEPT., 1773.

Same Officers as in 1772. The following was the only criminal cas, being the first capital trial in the Hillsborough County Courts, and the first and only instance of a rogue's escape by pleading "his clergy."

DOMINI REX-V.—ISRAEL WILKINS.

The said Wilkins being arraigned at the Bar, pleaded not guilty, and put himself upon his Country for trial.

The Attorney General and Council for the Prisoner being fully heard on the evidence, the Jury withdrew, & returned into Court, say upon their oath that the prisoner at the Bar is guilty of Manslaughter only. The Prisoner being asked why sentence of Death should not be passed on him, pleaded HIS CLERGY, which he was allowed to do. Whereupon the prisoner, the said Wilkins, was burned with a hot iron in the form of a letter T. on the brawny part of the thumb of his left hand, and it is further considered that said Wilkins forfeit all his Goods and Chattels to the King.

[The indictment was for the murder of his father, Israel Wilkins, sen., at Hollis, Nov. 2. 1772, in a sudden quarrel, by a blow on the head, by a billet of wood, which blow he survived three days. Manslaughter, as premeditated murder, was then punishable by death. For details of the British "*privilegium clericum*," which secured many a rogue against his deserts, see Appleton's Encyclopedia, article "Benefit of Clergy," which erroneously states that this was never allowed in this country.]

SUPERIOR COURT, 4TH TUESDAY SEPT., 1774.

Present, same Justices as in 1772.

DOMINI REX-V.-MOLLY FOSTER.

Offence, Bastardy. Plead that she "would not contend with our Sovereign Lord, the King, but submit herself to his grace." Fine, 50s. and costs, and stand committed till paid.

This session adjourned Oct. 1.

No other record of the Hillsborough Superior Court of Judicature is found, nor is it probable that any session was held, until the fourth Tuesday in September, 1776, when the records drop the title of Province, and bear that of the State—*old things having passed away, and all things become new.*

January 26, 1776, Plan of State Government adopted, and Officers of Justice appointed for all the Counties.

In March, Proclamation of said appointments was made, and obedience to all other persons forbidden on pain of being considered inimical to the country.

June 28, the Court of Appeals was abolished, and its powers and actions pending transferred to County Superior Courts.

July 6, a new Act was passed establishing Courts, mainly re-affirming existing ones, which were the same as the Province Courts with newly appointed officers.

SUPERIOR COURT T., 4th TUESDAY SEPT., 1776.

HON. MESHECH WEARE, *Chief Justice.*

HON. { Matthew Thornton, }
 { Leverett Hubbard, } *Justices.*
 { John Wentworth, }

George King, *Clerk.*

This was undoubtedly the first Court session in the County after the declaration of Independence. The commissions of the Chief Justice and his Associates were publicly read. Thirty-one Jurors were in attendance. "Dominus Rex" now disappears, and criminal acts are brought in the name of "The Government and the

People." There were but five civil cases on the docket,—in one neither party appeared, the other four were continued. Rowland Rideout was tried and acquitted, offence not stated. Three other criminal cases continued, in two recognizances declared forfeited. Joseph Kelley, under recognizances to appear, was discharged.—Court adj'd. to Monday preceding 4th Tuesday in Sept., 1777.

Next after this is the following entry :

"The public Business having prevented the Court from meeting at the adjournment, a Resolve passed the General Assembly, Nov. 19, 1777, enabling the Judges to take up all matters pending at this Court, at the Superior Court to be held at Amherst, the 2d Tuesday in Dec. following, by adjournment."

SUPERIOR COURT T., 4th TUESDAY SEPT., 1777.

HON. MESHECH WEARE, *Chief Justice.*

HON. { Matthew Thornton, }
 { Leverett Hubbard, } *Justices.*
 { John Wentworth, }
 George King, *Clerk.*

Adjourned, according to Resolve of General Assembly, to 2d Tuesday of December, same year.

Four civil cases, all continued, and one State action. James Taylor and Thomas Senter discharged by proclamation.

John Holland of Amherst, yeoman, in the sum of £1000, Robt. Read, Esq. and Israel Towne, jr., Esq., both of said Amherst, in the sum of £500 each, recognized for appearance of John Holland at June T. 1778, said Holland to answer to indictment for aiding and assisting in counterfeiting bills of credit of this State.

Adjourned to 1st Tuesday in June, 1778.

SUPERIOR COURT, ADJ'D. T., 1st TUESDAY, June 5, 1778.

John Hollis and sureties did not appear. Dr. Jonathan Gove, New Boston, Joshua Atherton of Amherst, Leonard Whiting of Hollis, each recognized in sum of £1000, with two sureties each of £500, to be good and faithful subjects of the State. Similar recognizances were furnished by Richard Cutts Shannon, Joshua Boynton, Hollis; Reuben Smith, husbandman, New Boston; Samuel Dodge, husbandman, John Wilkins, gent., Amherst.

The Court adjourned to the Monday preceding the 4th Tuesday in September and then to the 5th Tuesday.

SUPERIOR COURT 5th TUESDAY SEPT., 1778.

John Hitchcock, blacksmith, Amherst, convicted of counterfeiting, sentenced to pay fine of £50, costs £25, and 3 months imprisonment. Dr. John Gove of New Boston, convicted, fine to Government and People £750, costs £26, and 6 months imprisonment. Richard Cutts Shannon, Joshua Atherton, John Wilkins, Reuben Smith and Samuel Dodge discharged from their recognizances.—

Col. Moses Kelley, Sheriff of the County, informed the Court that the Jail in Amherst was insufficient.

SUPERIOR COURT, 4th TUESDAY FEB., 1779.

HON. MESHECH WEARE, *Chief Justice*.

HON. { Matthew Thornton, }
 { Leverett Hubbard, } *Justices*.
 { John Wentworth, }

JONA. MITCHELL SEWELL, *Clerk pro tem*.

Joshua Atherton, Esq. at this Term was admitted, and took the Oath of Allegiance to this State "to qualify him for a practice. The form of the oath was prescribed by enactment as follows :

I, A. B., do solemnly swear that I do renounce, refuse, and abjure any Allegiance or Obedience to George the Third, King of Great Britain ; and that I will, to the utmost of my power, support, maintain, and defend the Independence of all the United States of America, as the same was set forth by the Continental Congress, in their Declaration of the 4th of July, one thousand seven hundred and seventy-six. And I do promise that I will bear Faith and true Allegiance to the State of New Hampshire during my residence therein ; and will disclose and make known to some Magistrate acting under said State all Treasons and Conspiracies which I shall know to be against the United States, or any one of them, as independent of the Crown of Great Britain. And these Things I do swear according to the plain and common Sense of the Words, without any Equivocation or secret Reservation whatsoever ; upon the true Faith of a Christian. So help, &c."

SUPERIOR COURT, ADJ'D. T., SEPT. LAST TUESDAY, 1780.

STATE OF NEW-HAMPSHIRE } At the Superior Court of Judicature
 Hillborough ss. } holden at Amherst, in and for said
 County of Hillsborough, on the last Tuesday in September, 1780,
 by adjournment from the last Tuesday in February last past, and
 continued by adjournment to last Tuesday in September instant,
 present, &c. Record very imperfect.

HILLSBOROUGH

Inferior Court of Common Pleas :

1771-1780.



The first Inferior Court of Common Pleas for Hillsborough County met at Amherst, on the First Tuesday in October, 1771. Matthew Thornton, Chief Justice ; Samuel Hobart, John Shepard, jr. and Samuel Blodgett, Justices. Stephen Holland, Clerk. This was the first Court session in the County.

The Attornies whose names appear upon the Docket were, Ebenezer Champney, New-Ipswich ; Joshua Atherton, of Amherst ; Wiseman Clagget, Litchfield, (the only Attornies then in the County) ; Nath'l. P. Sargent, Haverhill, Mass. ; John Prentice, Londonderry ; Samuel Livermore and John Sullivan, Durham ; John Lowell, Boston ; Stephen Scales, Concord, Mass.

There were entered upon the Docket 21 cases, the first case entered being Nath'l. Emerson vs. Joseph Emerson.

On through, to the winding up of "His Majesty's Inferior Court of Common Pleas," the same officials appear, with added names as Attornies of John Bunker, Peter Green, Benjamin Byam, Zedekiah Drury, Joseph Butterfield. July Term, 1772, 88 entries, 29 appeals. Court granted Joseph Kelley writ of protection. July Term, 1773, 133 entries. July Term, 1774, 158 entries. April Term, 1775, a protection ordered to Jona. Johnson during Court.

The record of this Court for its July Term is about as brief as a lawyer could well make it. It is as follows, on a half sheet of Crown foolscap:

ANNO REGNI REGIS GEORGII TERTII.

At His Majesty's Inferiour Court of Common Pleas, Held at Amherst, on ye 4th of July, 1775, after electing Moses Nichols, Esq. Clerk *pro tem.*, said Court was immediately adjourned to the First Tuesday of October next, at Ten o'clock, A. M., at the Court House in said Amherst. MOSES NICHOLS, *Clerk p. t.*

Exit "Georgii Tertii"—and no more Inferior Courts of Common Pleas until January 7, 1777.

Present { Jona. Lovewell
 { James Underwood, } Justices.
 { Jeremiah Page,

13 Jurors returned. Robert Fletcher, *Clerk.*

Met at the Court House and adjourned for half an hour to Mr. Jona. Smith's, Inholder in Amherst.

Met according to adjournment. (The record of the next day is missing.) Jan. 9th, met. Same members present as yesterday. Ordered by the Court that all the actions hitherto continued be further continued over to the next Inferiour Court to be held in April next. Adj'd without day. ROBT. FLETCHER, *Clerk.*

APRIL T., 1777.—Present

Jona. Lovewell } Justices } James Underwood.
Jerh. Page } } ——— Farro.

Eight Jurors returned.

April 3d. All actions heretofore ordered continued to be continued to next July T.

[A mem. giving giving parties in four cases:] The above are Champney's list of appeals. Copies must be made out for the Superior Court ye 11th Nov. 1777. ROBT. FLETCHER, Esq.

Nemini Contradictoria.

JULY T., 1777. The first two leaves of the records of this session are lost. It was adjourned to Aug. 26th, when Timothy Farrar's name (same as Farro in previous record,) appears with the other three Judges. No business is recorded except the granting of an alias Execution to Joseph Kelley on a Jd't. obtained at Oct. T. 1774, which had been lost by a Deputy, and unsatisfied.

JANUARY T., 1779.—Col. Moses Kelley, Sheriff of the County, appeared in Court and entered his protest against the sufficiency of the Jail in Amherst to detain the prisoners already there, or those who may be sent prisoners to the said Jail hereafter.

Joshua Atherton, Esq. appeared, subscribed and took the oath of Allegiance and Fidelity to the United States of America, and also the Oath of Office appointed by law for Attornies to take—and was thereupon admitted an acting Attorney in said Court.

Attest— ROBT. FLETCHER, *Clerk.*

The same Officers through 1779. No records to be found of the January term, 1780.

HILLSBOROUGH

Court of General Sessions of the Peace, 1771-1780.

The first Court record in Hillsborough County is as follows :

{ PROVINCE OF } At a Court of General Sessions of the
{ NEW-HAMPSHIRE, } Peace, (held for the purpose of prepar-
ing a Prison, raising money, &c., Pursuant to an Act entitled An
Act for Dividing the same into Counties ; and for the more easy
Administration of Justice,) held in the publick Meeting House
in Amherst, within and for the County of Hillsborough, in said
Province, by adjournment on the 6th day of May, in the eleventh
year of His Majesty's Reign, A. D. 1771, held by adjournment
from the first Thursday next after the first Tuesday in April last,

PRESENT { John Goffe,
E. G. Lutwytch,
John Hale,
John Shepard, jr. } ESQUIRES.
Samuel Hobert,
Samuel Blodgett, }

Appointed John Shepard, jr., *Clerk pro tempore*.

Then adjourned to the House of Jonathan Smith, Innholder in said Amherst. Instantly met at the House of said Smith, according to adjournment.—Appointed Saml. Hobart, John Shepard, jr. and Benjn. Whiting, Esq., a Committee to cause said Prison to be built. Appointed Samuel Hobart, Esq., Treasurer.

Ordered, that the Committee aforesaid Provide a suitable House in said Amherst, and make it fit to keep prisoners in until a Prison can be built.

Adj'd. to Second Thursday in June, to meet at said Smith's.

Met according to adjournment on the 2d Thursday of June, as before written. Present, Goffe, Lutwyche, Shepard, Hobart, and Reuben Kidder. Dismissed the Court without day.

JOHN SHEPARD, JR., *Clerk pro tem*.

At a Court of the General Sessions of the Peace held at Amherst, in and for the County of Hillsborough, in the Province of New Hampshire, on the first Thursday next following the first Tuesday in July, 1771, in the 11th year of His Majesty's Reign :

Present, same Justices—with Stephen Holland added, who was appointed Clerk, and took the oath of office.

Adjourned to seven o'clock to-morrow morning.

Met according to adjournment. Present same all but Kidder.

Ordered that the several towns and places in the County be and hereby are assessed the several particular sums of money herein afterward annexed to the name of each town respectively, to Defray the Expence of Building a Prison and other necessary County charges, that is to say the Town of

Litchfield	£19 : 11 : 2 1-2.	Dunstable	£27 : 18 : 8 1-2.
Boscawen	11 : 14 : 2.	Temple	7 : 16 : 6 1-2.
Bedford	16 : 10 : 1 1-2.	New Boston	11 : 14 : 9.
Nottingham w.	25 : 1 : 3 1-3.	Weare	8 : 7 : 8 1-2.
Amherst	42 : 16 : 11.	Holles	42 : 2 : 6.
Derryfield	11 : 3 : 5 1-2.	Mason	9 : 10 : 2.
Goffstown	14 : 11 : 2 1-2.	Mile Slip	2 : 10 : 5 1-2.
Stevenstown	9 : 10 : 3.	Hillsborough	5 : 7 : 3 1-2.
Peterborough	20 : 15 : 3.	N. Ipswich	27 : 18 : 9 1-2.
Dunbarton	12 : 0 : 2 1-2.	Merrymack	25 ; 3 : 0 1-2.
Hopkinton	19 : 11 : 3.	Lyndeboro'	8 : 7 : 9.
Wilton	15 . 1 : 11.	Henniker	6 : 18 . 2 1-2.

amounting in the whole to the sum of four hundred pounds, and paid to the Treasurer, and hereby ordered that a Precept be sent to the Selectmen and Assessors of each town and place aforesaid.

Adjourned until two o'clock.

Met according to adjournment.

Ordered that James Hobart, John Shepard, jr., and Benjamin Whiting, Esq. be a Committee to look out a proper place to set the Gaol, and make report on the adjournment.

Adjourned to 24th day of July inst. same place.

JULY 24. Met according to adjournment. Present, Goffe, Lutwyche, Hale, Hobart, Shepard, Holland. Adj. to the 3d Tuesday in August.

AUGUST 20. Met according to adjournment. Present, John Goffe, John Shepard, jr., Samuel Hobart. John Shepard, jr. was chosen Clerk *pro tem*. Clerk ordered to send out venires for Grand Jurors and Petit Jurors—18 each.

ANNO REGNI REGIS GEORGII TERTII MAGNÆ BRITANNIÆ,
FRANCIÆ ET HIBERNIÆ DUODECIMA.

At His Majesty's Courts of Sessions held at Amherst. in and for the County of Hillsborough, on the first Thursday next after the first Tuesday in October, A. D. 1771,—

Present, the Honble John Goffe, Edward Goldstone Lutwyche, Samuel Hobart, Matthew Thornton, John Shepard, jr., William Clark, Reuben Kidder, Samuel Cummings, John Hale, Samuel Blodgett, Stephen Holland.

Adjourned to 3 p. m.—then to to-morrow morning.

Met according to adjournment—all present but Hale.

GRAND JURORS.

Amherst,	Solomon Kittredge.	Mason,	Thomas Burdick.
Dunstable,	Benjamin French.	Bedford,	James Caldwell.
Holles,	{ William Nevins.	Litchfield,	John Harvel.
	{ Reuben Dow.	Temple,	Joshua Todd.
Peterboro',	John Gregg, jr.	Merrimack	Sol'n. Hutchinson.
Derryfield,	John Stark.	Goffstown,	Benjamin Stevens
Wilton,	Jona. Burton.	Lyndeboro'	George Goold.
Nottingham-w.	Henry Hale.	N. Ipswich,	Wm. Shattuck.

(These were the first Grand Jurors drawn in the County.)

DOMINI REX vs. JONAS STAPLETON.

The prisoner being brought to the Bar pleaded Guilty, and prayed the mercy of the Court. It is therefore considered by the Court that said Jonas Stapleton is guilty as set forth in the indictment. It is therefore ordered that he shall be whipt twenty stripes on the naked back at the publick whipping-post, between the hours of one and two in the afternoon of this 3d day of October, and that he pay costs of prosecution taxed at £5:3:10, and that he pay Nahum Baldwin, the owner of the goods stolen, forty-four pounds lawful money, being two-fold the value of the goods stolen, (the goods stolen being returned,) and that for default of payment of the said two-fold damages and cost aforesaid, the said Nahum Baldwin be authorized to dispose of the said Jonas in servitude to any of His Majesty's subjects for the space of seven years, to commence from this day, and that ye said Jonas stand committed until this sentence be performed.

(This was the first criminal trial in the County.)

Adjourned to 3 o'clock this afternoon, to house of Jona. Smith.

Met and adjourned to the 17th instant, at the Meeting House.

OCTOBER 17th, met and adjourned to Jona. Smith's instantly.

Met according adjt. Present same. Adj'd. to 8 a. m. to-morrow.

Met and adj'd. to 2 p. m. Met at 2 o'clock.

Ordered by the Court that Zaccheus Cutler and Nahum Baldwin be permitted to keep a tavern while the several Courts of Justice are sitting in Amherst, and no other time.

Clerk ordered to pay all money received for licenses to Smauel Hobart, Treasurer, reserving his own fees.

Adj'd. to 8 o'clock to-morrow. Then adj'd. without day.

[In the Seventh year of the Reign of George the Third, 1767, an act was re-enacted laying an Excise on all Spirituous Liquors sold in the Province. The right to collect this was "farmed out" in divisions to Receivers, and the amount received paid to Tr.]

Taverners for the County of Hillsborough Licensed Oct. T. 1771 :

AMHERST
Benjamin Shepard
Amos Flint
Jonathan Smith
Nathan Hutchinson
Capt. Robt. Read
Ephraim Hildreth
Hezekiah Lovejoy
Archelaus Towne
William Mack
BEDFORD
John Bell
BOSCAWEN
Samuel Fowle
DUNSTABLE
Benjamin French
Jonathan Lovewell
Thomas Harwood
Widow Butterfield
DERRYFIELD
Samuel Moores
Richard Taylor
Abram Morrall
John Hall
William McClench
DUXBURY FARM
Ebenezer Parson
NOTTINGHAM-WEST
Reuben Spalding
Samuel Bradley
GOFFSTOWN
Capt. James Karr
Job Dow
Alexander Walker
HOLLES
Samuel Cummings jr.
Lt. Samuel Farley
HILLSBOROUGH
Archibald Taggart
Samuel Bradford

HENNIKER
Eliakim Hale
HOPKINTON
Jeremiah Fowler
Timothy Clemens
Joshua Bailey
LITCHFIELD
Nathan Kindle
LYNDEBORO'
John Goold
Jacob Wellman
MASON
Samuel Tarbell
Josiah Robens
Thomas Tarbell
MERRIMACK
Nathaniel Garfield
Alpheus Gooden
Samuel Spaulding
Jonathan Cummings
NEW-BOSTON
John H. M'Glavoghlin
William Starrot
NEW-IPSWICH
Jonas Wheeler
Reuben Kidder
PETERBORO'
Alexander Robb
Robert Willson
RABY
Alexander McIntosh
SOCIETY-LAND
Alexander Robison
TEMPLE
Peter Hale
WEARE
Aaron Quimby
WILTON
Joseph Butterfield
Alexander Millikin

Retailers for the County of Hillsborough Licensed Oct. T. 1771:

AMHERST	MERRIMACK
Zaccheus Cutler	Edward G. Lutwyche
Nahum Baldwin	Robert Main
William Roby	NEW-IPSWICH
GOFFSTOWN	Thomas Fletcher
Moses Little	Jonas Davis
HOLLES	Robert Harris
Daniel Kendrick	NEW-BOSTON
John Atwell	William Clark, Esq.
James Coburn	John Grimes,
Jacob Jewet, Jr.	Alexander Gregg
HOPKINTON	TEMPLE
Joseph Flint	Francis Blood
Jouathau Straw	WEARE
MASON	Samuel Felbrick
Reuben Hosmer	Ebenezer Mudgett

List of the Taverners and Retailers appointed by the Court from September 4, 1771 to January, 1772.

David Currier, Goffstown; Moses Johnson, Nottingham-west; Robert Nesmith, Merrimack; Nathan Kindle, Amherst; Jeremiah Towle, Hopkinton; John Swan, Peterborough; Wm. Hunt, Dunstable; Elias Elliot, Mason; Widow Elizabeth Powers, Mason; Simeon Fletcher, Ipswich.

RETAILERS—Solomon Kitteredge, Amherst; James Goodhue, Hollis; James Campble, Raby.

JANUARY TERM, 1772.

Present Lutwyche, Hobart, Thornton, Shepard, jr., Blodgett, Kidder, Jerh. & Benj. Page, Holland, Goffe, Wm. Clark.

Adjourned to half past 2 at meeting house.

Met and adjourned to 11 to-morrow, Friday, 10th.

Thomas Drury, Temple; Abijah Allen Mason; Retailers.

Samuel Wason found guilty, fined £6 and costs £11 : 19 : 6.

Adj'd. to 3 o'clock. Adj'd. to 9 to-morrow morning. Adj'd. to last Wednesday in January.

Met according to adjournment. Present, Goffe, Lutwyche, Hobart, Shepard, jr., Hale, Blodgett, Clark, Jerh. Page, James Underwood, Robert Fletcher, Stephen Holland, Matthew Patten and Moses Nichols.

Hopkinton prayed to be excused from paying County tax, as a part of that town was claimed by Rockingham, and question was before the General Court. Granted.

Adjourned to nine o'clock to-morrow morning.
Met accordingly. Same present.

The Court after mature deliberation Ordered, "That the Prison for this County be set on a piece of land that Jonathan Smith of Amherst, Innholder, has given to the County for that purpose, laying Northerly and nearly adjoining said Smith's dwelling house in said Amherst, as by his deed will appear."

Adjourned to three o'clock this afternoon. Met accordingly.

Voted that no person be licensed to keep a Tavern or retail until they have obtained the approbation of the Selectmen of the town where they live, or the major part of them, unless it should happen that the Selectmen should unreasonably withhold such approbation, in which case, it being made to appear, the Court may nevertheless proceed to license such persons.

Voted that Mr. Treasr. Hobart pay the Justices their legal fees.

Adjourned to 9 to-morrow. Met accordingly. Present same.

Following Rules adopted :

1. No person to speak without leave of the President.
2. All remarks to be addressed to the President.
3. All to stand when speaking.
4. No one to speak twice till all have had chance.

Adjourned to 19th day of Feb'y.

FEB'y. 19th, met. Present. Goffe, Lutwyche, Thornton, Hale, Hobart, Shepard, Blodgett, Clark, Patten, Underwood, Nichols, Holland.

Voted that an account exhibited by Sam'l. Hobart. John Shepard, jr. and Benjamin Whiting, Esq. for Repairing a Gaol at Capt. Reide's in Amherst, be allowed £30 : 3 : 4.

Adjourned to 9 to-morrow. Met accordingly.

Robert Read's account for boarding Jonas Stapleton 8 weeks, and locking and unlocking gaol for said Stapleton, in all £2:3:8, allowed and paid.

Voted that John Goffe and Moses Nichols, Esq. be joined to the Committee appointed for Building a Prison.

Voted that the Gaol be 26 feet wide and 34 feet long ; that the rooms for the prisoners be 11 feet square ; the entry 7 feet wide. The Gaoler's rooms be 14 feet long—2 story high, 17 feet post.—The cellar to be under all the Gaoler's end except what the chimney takes up. That there be a fence around the Gaol 8 feet high, well spiked, and 10 feet from the Gaol. The posts, cills and plates of the Gaol shall be of white oak, the rest of the timber to be of chestnut. The Court re-affirmed its former decision on location.

The Committee to build the Gaol is to divide the work into lots, and upon duly advertising it, to receive the proposals, and accept of the lowest. After the Gaol is built it is expected that the committee produce the several persons accounts sworn to and satisfy the Court that they have got it built as cheap as possible.

Retailers licensed January T., 1772—Samuel Atkinson, Boscawen ; David Alexander, New Boston ; Timo. Smith, Nottingham-west ; Silas Barnes, Henniker ; Matt. Pettingill, Salisbury ; Joseph Wilkins, Henniker.

Taverners — Thos. Drury, Temple ; Abijah Allen, Mason ; Samuel Gregg, Peterborough ; Silas Barber, Henniker ; Robert Clark, Derryfield, Feb. 20.

APRIL SESSION, 1772. Present, Goffe, Thornton, Page, Fuller, Hobart, Shepard, Blodgett, Patten, Nichols, Holland.

Names of Grand and Petit Jurors given. Adjourn'd. to 3. p. m.

Met accordingly. Adj'd to to-morrow morning. Then to 3.

Met. Voted and ordered that the Committee to build the Gaol proceed to finish it in such manner & form as they see fit—and draw on the Tr. from time to time for that purpose.

John Thom failed to answer to the King. Rec. forfeited.

JANUARY SESSION, 1772. Present, Goffe, Thornton, Shepard, Blodgett, Kidder, Wiseman Clagget, Fuller, Samuel Wentworth, James Underwood, Nichols, Hobart, Holland, Lutwyche.

Adjourned to three o'clock. Then till to-morrow. Met.

JOSEPH KELLEY, *apt.* v. JAMES BERRITT, & WIFE, *apee.*

Jury returned *apt.* is guilty according to complaint. Sentence, 10s. and costs 4s. and recognize £20 to keep the peace. Fine paid and rec. furnished. Adj'd. to Saturday 8 o'clock.

Met. Voted that £200 be raised for defraying the charge of the County in building the Prison, &c. and that precepts be issued for its collection to the towns.

Alexander Grimes, taverner, Amherst.

Paul Dudley Sargent, retailer, "

OCTOBER SESSION, 1772. Present, Goffe, Thornton, Hobart, Shepard, Blodgett, Clagget, Nichols, Page, Lutwyche, Fuller, Ebenezer Goss, Clark, Thos. Jackman, Holland. Adj'd. to to-morrow.

Met. Petition of Town of Amherst for Road from Col. Lutwyche's to New Bridge on Souhegan River, and thence as the road now runs to the great road running north & south thro' Amherst.

Hobart, Clagget & Atherton to lay it out, & report at next adj't. Nahum Baldwin & Paul Dudley Sargent granted leave to keep tavern in Court time only.

Taverners in Amherst—Col. John Shepard, Ephraim Hildreth, Jona. Smith, Hezek. Lovejoy, Capt. Arch. Towne, Capt. Nathan Hutchinson, Amos Flint, Stephen Peabody.

Retailers in Amherst—Benj. Shepard, Henry Wilkins Codman, Paul Dudley Sargent; Nahum Baldwin.

Upon the petition and representation of B. Whiting, Esq., on file, Ordered by the Court the Sheriff hire a guard to guard Gaol and secure the prisoners now in the Gaol, until the New Gaol is completed and accepted and the prisoners removed into it—not exceeding four men.

Adj'd to 14th inst. Then met, only 5 present. Adj'd to Oct. 20.

OCT. 20. Met. Present, Clagget, Hobart, Nichols, Shepard.

And having taken into consideration the state of the new gaol in Amherst—and it appearing that the old prison is very insufficient to secure prisoners—it is Ordered by the Court that all prisoners in future be committed to and confined in the aforesaid New Gaol. And further ordered that an addition be made to said New Gaol at the Gaoler's end, so called, of 18 feet in length, the height and weight therefor to be made equal to the New Gaol, and that said addition be erected and finished as soon as may be by the Committee heretofore appointed for building said gaol.

Adjourned to Nov. 5th.

Nov. 5, met. Adjourned to to-morrow. Met, present, Goffe, Shepard, Blodgett, Clagget, Nichols, Holland, Lutwyche, Underwood, Clark.

Zaccheus Cutler, taverner, Amherst.

Voted a stove for the use of the prison. Adj'd. to Nov. 20.

Met accordingly. Sheriff protested against the insufficiency of the Gaol. Ordered that the Gaol be lathed and plastered, that is the four rooms designed for prisoners. Ordered that the Committee place iron bars in the north lower room of the Prison, within three inches of each other. Adj'd. without day.

JANUARY SESSION, 1773. Present, Hobart, Shepard, Blodgett, Clagget, Nichols, Holland, Kidder, Fuller, Lutwyche, Zac. Cutler.

The report of the Committee to lay out Road from Lutwyche's Ferry to Amherst was accepted, and road in future to be publick.

Petition of Joseph Holland for £78 : 3 : 2 for Joseph Kelley's escape out of gaol. Com. apt. to act and report what this Court ought to do.

APRIL SESSION, 1773. Present,—Goffe, Thornton, Shepard, Blodgett, Nichols, Fletcher, Kidder, Page, Cutler, Clagget, Patten; Hubbard, Hobart, Hale.

Adjourned to the 10th.

SATURDAY, 10th. Committee on Holland's petition reported they did not care to act in the matter. The matter was adjourned to 2d Tuesday in June, and a Committee appointed to consult "some Gentlemen learned in the Law" what the County or Court was obliged by law to do.

JUNE 8th. The petition being considered and argued, the Court allowed it, and ordered that the sum of £78 : 3 : 2 be assessed on the towns, and paid by Dec. 26th.

Voted that the Gaol Committee cause well to be dug & stoned.

JULY SESSION, 1773. Present,—Goffe, Thornton, Shepard, Hobart, Blodgett, Nichlos, Fletcher, Clagget, Holland, Jackman.

Sarah Underwood, Merrimack, fined £10 for bastardy. Esther Hildreth same. Adj'd to Aug. 17.

AUG. 17, met. Met, present, Goffe, Lutwyche, Shepard, jr., George Jackman, Patten, Kidder, Nichols, Underwood, Fletcher, Doct. Goss, Hobart, Holland, Page, Hale.

Committee on Gaol ordered to buy two good Locks & window shutters for lower north room. Protest of Benj. Whiting of the insufficiency of Gaol read.

Ordered by the Court that Joseph Kelley now in Gaol be kept chained with a certain chain now produced to the Court by the Sheriff with a lock till further orders. Adj'd to Sept. 15.

SEPT. 15th. Met. Present, Kidder, Lutwyche, Shepard, Hobart Blodgett, Underwood, Patten, Holland.

Ordered that Col. Goffe, Samuel Hobart and John Shepard jr., Esq. be a Committee to wait upon the Justices of the Superiour Court for their opinion if Capt. Joseph Kelley now in his Majesty's Gaol at Amherst may be further secured with irons, as it is reported that Kelley has given out that he intends to break Gaol.

Adjourned without day.

OCTOBER SESSION, 1773.—Present, Shepard, Blodgett, Nichols, Clagget, Hubbard, Hobart, Thornton, Patten, Js. Scales, Holland Underwood. Adj'd to Nov. 4.

NOV. 4, 1773.—Col. Lutwyche ordered to provide two good and sufficient Steck Locks for the Gaol, and one Pad Lock, to be pnt on the Gaol doors forthwith. Adj'd to 5th.

NOV. 5th. Committee's accounts on Gaol disallowed, and new Committee appointed to examine them.

Ordered that the fence round the Gaol be made four feet higher and well spiked, and be set up 20 feet westerly and northerly from said Gaol forthwith.

JANUARY SESSION, 1774. Present, Goffe, Lutwyche, Thornton, Hobart, Shepard, Blodgett, Underwood, Jackman, Page, Clagget Clark, Nichols, Cutler, Holland, Dr. Goss.

Domini Rex v. William Stark. Discharged by or. of Ct.

Voted, that the Court House be removed from the place where it now stands, on to the County land on the Plain, or such place as shall be fixed by the Court Committee chosen to see it done. as soon as may be, Shepard, Nichols, Cutler.

Voted, that there be two Attornies, learned in the Law, as a Standing Council for the County in the present exigencies.

Chose Samuel Livermore and Joshua Atherton.

Voted, that the Committee on the Gaol make such further repairs as are needed to prevent communication between strangers and the prisoners.

Venires and capias ordered.

APRIL SESSION, 1774.—Present, Thornton, Shepard, Blodgett, Patten, Clark, Fletcher, Isaac Andrews, Nichols, Fuller, Cutler, Hale, Saml. Cummings, Kidder, Lutwyche, Holland, Atherton.

Adjourned to 9th, same place. 9th, met. Committee on moving Court House ordered to make such alterations in seats as shall make it convenient for Courts.

JULY SESSION, 1774. Present, Goffe, Thornton, Hobart, Shepard, Blodgett, Patten, Underwood, Cummings, Atherton, Hubbard, Clagget, Cutler, Dr. Eben'r. Ward Goss, Nichols, Fletcher.

Adjourned to Friday, 8th. July 8th met.

Voted to dispose of Court House, and to erect another on the ground given to the County for that purpose, near the New Meeting House in this town.

Shepard, Atherton, Fletcher—Committee.

Voted, that said Committee proceed so far in case they can dispose of the old Court House to advantage, as to erect and enclose new one upon some elegant and advantageous plan according to their discretion, as soon as may be, and to draw money out of the Treasury for that purpose.

Voted £200 raised for County expenses. Venires and capias ordered as usual. Adjourned without day.

OCTOBER SESSION, 1774.—Present, Shepard, Nichols, Atherton. Shepard appointed Clerk *pro tem*. Adj. to last Tuesday Oct.

Met. Present, Goffe, Hale, Shepard, jr., Kidder, Page, Nichols, Fletcher, Fuller.

Adjourned to Nov. 8th.

Nov. 8th. Met. Present,, Goffe, Lutwyche, Hale, Hobart, Shepard, jr., Nichols, Page, Clark, Cutler, Cummings.

Delegates petition received & filed. Petition of delegates sent to Gov. Wentworth to remit fines of Joseph Kelley.

Ordered, that Stephen Holland, Esq., Clerk of this Court, be notified by the Clerk *pro tem.* that it is the desire of this Court that he immediately remove into the shire town if determined to hold his said office. Adjourned till to-morrow.

Met. --Ordered Committee for Building Court House on Common proceed no further at present.

Order issued for Treasurer to pay Sheriff Whiting residne of bill of case Holland vs. Kelley, after collection of subscription money and relinquishment of the £14 charged for the *posse commitntus* and the £5 which he has generously given up is deducted.

Ordered Prison Keeper lay account of prison charges of Capt. Joseph Kelley before the Court at the next adj't., and Treasurer be directed to pay gaoler what is allowed him as soon as may be.

Jona. Lund. Win. Lampson, Maj. Robt. Read, Amherst, Taverners; Robt. Means in publick times.

Robert Means, Samuel McKean, Retailers. Adj'd. to Dec. 1.

DEC. 1, met. Present Goffe, Thornton, Hobart, Shepard, Page Blodgett, Clagget, Atherton, Nichols, Fuller, Col. Hale, Major Heald, James Scales, Holland, Fletcher, Kidder, Cummings, John Quigley, Cutler.

The vote to build a New Court House was revoked.

On motion of the Sheriff setting forth that the locks and hinges of the gaol doors are broken and out of repair, and a large hole cut through the floor in the north room, and many of the said doors broken, and all of the prisoners have lately made their escape out of said prison—Ordered that John Shepard and Moses Nichols, Esq. be a Committee to repair the same in the strongest and best manner as soon as may be.

JANUARY SESSION, 1775. The Honbl's. present, Goffe, Hobart, Thornton, Blodgett, Jackman, Clagget, Holland, Quigley, Fuller, Page, Eph. Heald, Shepard, Atherton.

APRIL SESSION, 1775.—Present. Goffe, Thornton, Shepard, jr. Blodgett, Patten, Cummings, Quigley, Clagget, Atherton, Lutwyche, Underwood, Fletcher, Nichols.

Allowance to Samuel Cumming for boarding prisonerss.



ANNO REGNI REGIS GEORGHII TERTII.

JULY SESSION. 1775.—Justices present, John Shepard, jr., Moses Nichols, Esqs.

Grand Jurorinen present, William Bradford, Samuel Robey, William McQuistin.

At his Majesty's Court of General Sessions of the Peace, held at Amherst, in and for the County of Hillsborough and Province of New-Hampshire, on the first Thursday next following the first Tuesday in July, 1775, said Court elected Moses Nichols, Esq. Clerk, *pro tem.*, and adjourned said Court of General Sessions of the Peace to the first Thursday next following the first Tuesday of October next.

MOSES NICHOLS, Clerk *pro tem.*

This last record is on a half sheet of crown foolscap. Two members present. Shepard, jr. presides, Moses Nichols, Esq. is *unanimously* elected Clerk *pro tem.* and by order adj's. the Court! Thus ends His Majesty's Court of General Sessions of the Peace.

No other record of a Court of General Sessions appears until

JULY SESSION. 1777.—Present, John Goffe, Matthew Patten, Moses Nichols, Noah Worcester, Nahum Baldwin.

Grand Jurors, James Seaton, John McGlaughlin.

Nahum Baldwin was chosen Clerk, *pro tem.* Zach. Chandler was licensed taverner in Bedford. Adj'd. to last Tuesday in Aug.

AUGUST 25, 1777.—Present, Goffe, Jona. Lovewell, Underwood, Jerh. Page, Timothy Farrar, Jona. Blanchard, Noah Worcester, Francis Blood, Nahum Baldwin, Jacob Abbot

One retailer licensed, only business recorded.

OCTOBER SESSION, 1777.—Present Goffe, Lovewell, Underwood, Jerh. Page, Moses Little, Baldwin, Jackman, Nichols, Worcester, Clagget.

Col. Baldwin added to former Committee for taking care of the Gaol, and that he be desired to repair and keep in good order the Court House.

Lovewell, Underwood, Farrar, Fletcher Worcester, Committee to settle with former County Treasurer.

Darins Abbot, Jona. Smith, Hezk. Lovejoy, Amherst, Tav'rs.

Adjourned to Nov. 11. Met, 3 present, no business.

JANUARY SESSION, 1778. Lovewell, Underwood, Farrar, Page, Josh. Bayley, Little, Blood, Baldwin, Worcester, Clagget, Nichols.

APRIL SESSION, 1778.—Present, Goffe, Lovewell, Underwood, Jerh. Page, Farrar, Clagget, Worcester, Nichols, Baldwin, Little, Asa Davis, John Duncan.

Committee appointed to count votes for County Officers.

Zach. Lawrence, of Hollis, came into Court and complained of himself for selling spirituous liquors without license. The Court ordered that he pay £3:8:7:8 as fine, with which he complied.

Committee chosen to "make a list" of dues to Justices for attendance on the Sessions from April 1774 to April 15, 1775—for the Grand Jurors also—and to settle all County accounts.

JULY SESSION, 1778.—Present, Goffe, Lovewell, Underwood, Page, Clagget, Patten, Blood, Little, Baldwin, Abbot

Ruth Blood, Mason, paid fine 12s for bastardy.

Voted Moses Kelley, Sheriff, 4s day for past & future services.

OCTOBER SESSION, 1778.—Goffe, Lovewell, Underwood, Page, Farrar, Worcester, Little, Blood, Nichols, Clagget, Baldwin, Timothy Gipson.

Joshua Burnam, Hezekiah Lovejoy, Amherst, Taverners.

Robert Means, Jona. Smith.

The Court Ordered that Joshua Atherton pay the fine as the law directs for his not attending his duty as Grand Juror the year past.

JANUARY SESSION, 1779.—Goffe, Lovewell, Page, Farrar, Underwood, Little, Blood, Worcester, Clagget, Baldwin, Abbot, Gipson, Nichols, John Duncan, Blanchard, Isaac Andrus, Patten Asa Davis.

Jan. 9.—Ordered. that the Gaol and Court House Committee prepare the large chamber in the Gaol house and make it as convenient as they can for the Courts in this County to be held in.

APRIL SESSION. 1779.—Justices present, Goffe, Nichols, Lovewell, Underwood, Baldwin, Blood, Worcester, Little, Clagget, Asa Davis, Wm. Smith, Patten.

Voted, that Jacob Abbot, Esq. Capt. Nathan Hutchinson and Jona. Martin be a Committee to build a Bridge over Souhegan River in the Mile Slip, so called, in this County, according to their own discretion, so as to comply with the Act of the General Assembly of April 1, 1779.

Voted that all women complained of for Bastardy hereafter be required to appear in Court and pay the fine.

JULY SESSION, 1779.—Com. chosen to ex Mile Slip bridge ac't.

OCT. SESSION, 1779—Moses Little, Esq. came into Court and says he will not contend with the Gov't. & People, paid fine 25s. and costs £11:3.

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